

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at GREENEVILLE

CHARLES K. SMITH,

*Plaintiff,*

v.

CARITEN INSURANCE COMPANY,

*Defendant.*

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Case No. 2:08-cv-177  
Judge Mattice

**ORDER**

United States Magistrate Judge Susan K. Lee filed her report and recommendation [Court Doc. 31] pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) on December 3, 2008. Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations [Court Doc. 31] pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS** that Defendant Cariten Insurance Company's Motion to Dismiss [Court Doc. 4] is **GRANTED**. The Court further **ORDERS** that Defendant Cariten Insurance Company's Motion to Dismiss Amended Complaint [Court Doc. 25] is **GRANTED**.

The above-captioned case is **DISMISSED WITH PREJUDICE**. The Clerk shall close the case.

SO ORDERED this 7th day of January, 2009.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE